

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DARNELL LEE JOHNSON, Plaintiff, v. THOMAS L. JAMES, Defendant	:	Case No. 3:05-cv-307-KRG-KAP
DARNELL LEE JOHNSON, Plaintiff, v. MR. DUTKO, Defendant	:	Case No. 3:06-cv-44-KRG-KAP
DARNELL LEE JOHNSON, Plaintiff, v. LIEUTENANT PIRROZZOLA, <u>et al.</u> , Defendants	:	Case No. 3:06-cv-105-KRG-KAP

Order, Report and Recommendation

Recommendation

Pending are defendant Dutko's motion to dismiss, Johnson v. Dutko, docket no. 8, and defendant Squirrel's motion to dismiss, Johnson v. Pirrozzola, docket no. 8. I recommend that they be granted. Neither the plaintiff nor the defendant has responded to my order in Johnson v. James, see docket no. 27, requiring further response concerning the defendant's defense that plaintiff had not exhausted his administrative remedies before filing suit. Plaintiff and defendant shall do so forthwith.

Report

Plaintiff is an admittedly mentally ill inmate who files complaints over his dissatisfaction with personnel of the Pennsylvania Department of Corrections. See Johnson v. James, docket no. 26. See also Johnson v. Pirozzola, Case No. 3:05-cv-49.

Once plaintiff files a complaint, he fails to file timely pleadings (or even spell the same defendant's name consistently in successive actions). The pending motions to dismiss should be granted simply as a sanction for plaintiff's dilatory conduct. Without elaborating on the familiar Poulis test, the two salient points are that plaintiff has a history of dilatory conduct, and defendants are put to time and expense defending suits of at best questionable merit. No good reason exists for the court to carry multiple lawsuits without requiring plaintiff to fulfill his obligation, even as a pro se litigant, to pursue what he starts.

Pursuant to 28 U.S.C. § 636(b)(1), the parties are given notice that they have ten days to serve and file written objections to this Report and Recommendation.

DATE: 17 January 2007

Keith Pesto
Keith A. Pesto,
United States Magistrate Judge

Notice by ECF to counsel of record and by U.S. Mail to:

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